IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

JAMES ST. LOUIS, Plaintiff, v. RALPH HEVERIN, DAVID PIERCE, AND OFFICER BERNIE WILLIAMS, Defendants.	)	Civ. No. 06-641-SLR

O R D E R

1. The plaintiff James St. Louis, SBI #446518, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

2. Based on the plaintiff's submissions, his request to proceed in forma pauperis is granted. Pursuant to 28 U.S.C. § 1915(b), the plaintiff shall be assessed the filing fee of $350.00. The Court has determined that the **plaintiff has no assets and no means to pay the initial partial filing fee, nevertheless, any money the plaintiff later receives will be collected in the manner described below.**

3. The plaintiff shall, within thirty days from the date this order is sent, complete and return to the Clerk of

Court, the attached authorization form allowing the agency having custody of him to forward all payments required by 28 U.S.C. § 1915(b)(2) to the Clerk of the Court. **FAILURE OF THE PLAINTIFF TO RETURN THE AUTHORIZATION FORM TO THE CLERK OF COURT WITHIN THIRTY DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION.**

4. The plaintiff shall be required to make monthly payments of 20 percent (20%) of the preceding month's income credited to the plaintiff's prison trust account and absent further order of the Court, the Warden or other appropriate official at Delaware Correctional Center, or at any prison at which the plaintiff is or may be incarcerated, shall forward payments from his account to the Clerk of the Court each time the amount in the account exceeds $10.00 until the filing fee is paid. **NOTWITHSTANDING ANY PAYMENT MADE OR REQUIRED, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.**

5. Pursuant to 28 U.S.C. § 1915(g), if plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, the Court shall deny plaintiff leave to proceed in forma pauperis all future suits filed without

prepayment of the filing fee, unless the Court determines that plaintiff is under imminent danger of serious physical injury.

DATED: 10/26/06

United States District Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

JAMES ST. LOUIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 06-641-SLR
	)	
RALPH HEVERIN,	)	
DAVID PIERCE, AND	)	
OFFICER BERNIE WILLIAMS,	)	
	)	
Defendants.	)	

AUTHORIZATION

I, James St. Louis, SBI # 446518, request and authorize the agency holding me in custody to disburse to the Clerk of the Court all payments pursuant to 28 U.S.C. § 1915(b) and required by the Court's order dated ___________________, 2006.

This authorization is furnished to the Clerk of Court in connection with the filing of a civil action, and I understand that the filing fee for the complaint is $350.00. I also understand that the entire filing fee may be deducted from my trust account regardless of the outcome of my civil action. This authorization shall apply to any other agency into whose custody I may be transferred.

Date: _____________________, 2006.

____
Signature of Plaintiff